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Letter dated 20 December 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I wish to transmit to you herewith a letter dated 19 December 2002 from Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq, concerning United States support for terrorism.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council, under the agenda item entitled "Measures to eliminate international terrorism", and as a document of the Counter-Terrorism Committee.

(*Signed*) Mohammed **Salman Ali**
Chargé d'affaires a.i.

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Annex to the letter dated 20 December 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General

United States President George Bush has issued Presidential Determination No. 2003-06, directing the Secretary of State and the Secretary of Defense of the United States of America to furnish 92 million United States dollars for the purchase of military equipment and the provision of training for groups of mercenaries and terrorists for the purpose of undermining political stability and domestic security in Iraq and threatening Iraq's territorial integrity and political independence.

The said Determination, a copy of which is annexed for your perusal, constitutes a flagrant violation of the principles established in international law, and in particular the international covenants mentioned below:

1. The United States Presidential Determination represents aggression against an independent, sovereign State according to the definition of aggression appearing in United Nations General Assembly resolution 3314 (XXIX). Indeed, under article 3, paragraph g, of that resolution, the following constitutes aggression: "The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein."

2. Article 2, paragraph 7, of the Charter of the United Nations prohibits any intervention in "matters which are essentially within the domestic jurisdiction of any state". Any action on the part of a foreign State or of groups of mercenaries financed thereby that is aimed at changing a political regime by force constitutes a glaring case of intervention in matters essentially within the domestic jurisdiction of States and is therefore an egregious violation of one of the fundamental principles enshrined in the Charter. The American Presidential Determination is explicitly and barefacedly aimed at interference in the internal affairs of Iraq. Iraq is an independent sovereign State and one of the founding States of the United Nations and its people is sovereign in respect of its political choices.

3. Article 2, paragraph 4, of the Charter of the United Nations establishes an imperious principle that permits of no violation or conspiracy aimed at its violation. It requires all members of the international Organization to refrain "in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." It is clear that the American Presidential Determination is aimed at the organization and financing of armed terrorist bands for the purpose of using force and threats of force against the territorial integrity and political independence of Iraq.

4. The American Presidential Determination is a flagrant violation of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, contained in General Assembly resolution 2625 (XXV), in particular the following principles:

(a) [Every State has the duty] "to refrain from organizing or encouraging the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of another State";

(b) "No State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State";

(c) "Every State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State";

(d) "Each State has the duty to respect the personality of other States";

(e) "The territorial integrity and political independence of the State are inviolable".

5. The American Presidential Determination constitutes a material breach of Security Council resolution 1373 (2001), which was adopted under Chapter VII of the Charter of the United Nations and established a set of obligations legally binding on all States Members of the United Nations, including the obligation to "prevent and suppress the financing of terrorist acts"; "refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists"; "deny safe haven to those who finance, plan, support, or commit terrorist acts"; and ensure that an "asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts".

6. The American Presidential Determination constitutes a material breach of Security Council resolutions adopted under Chapter VII of the Charter under the item entitled "The situation between Iraq and Kuwait", the most recent of which is Security Council resolution 1441 (2002), which reaffirms the commitment of all Member States to the sovereignty, independence and territorial integrity of Iraq.

The American Presidential Determination is in line with the series of acts of aggression and terrorism carried out by the United States against the Republic of Iraq since 1990. These acts include the systematic destruction wreaked on Iraq's cities, towns and villages and its economic, scientific, cultural and service establishments by United States and British aircraft, missiles and bombs in the illegal flight exclusion zones imposed by the United States and Britain since 1991 in clear violation of the Charter of the United Nations and the Security Council resolutions on Iraq. They also include the use against the people of Iraq of depleted-uranium munitions characterized by highly toxic radiation. In addition, the United States engages in the practice of lending support to international terrorism in other parts of the world, such as its unlimited support to Zionist terrorism against the Palestinian people.

The efforts of the international community to prevent acts of terrorism, including State terrorism, and to promote the ascendancy of international law and the Charter of the United Nations in international relations can succeed only if they are based on an absence of discrimination and on the fight, without double standards, against international terrorism wherever it may occur and whoever its perpetrators may be. Such behaviour on the part of the United States is the greatest factor undermining the efforts of the international community, its States and its organizations to combat international terrorism. A strong stand on the part of the international community is therefore required to rectify this serious fault.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs of Iraq

Enclosure

The White House
President George W. Bush

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For Immediate Release
Office of the Press Secretary
December 9, 2002

Presidential Determination No. 2003-06

MEMORANDUM FOR THE SECRETARY OF STATE
THE SECRETARY OF DEFENSE

SUBJECT: Presidential Determination on Authorization to Furnish Drawdown Assistance to the Iraqi Opposition under the Iraq Liberation Act of 1998

Pursuant to the authority vested in me as President of the United States, including under sections 4(a)(2) and 5(a) of the Iraq Liberation Act of 1998 (Public Law 105-338) (the "Act"), and consistent with Presidential Determination 99-13, I hereby direct the furnishing of up to $92 million in defense articles from the Department of Defense, defense services from the Department of Defense, and military education and training in order to provide assistance to the following organizations:

Iraqi National Accord;
Iraqi National Congress;
Kurdistan Democratic Party;
Movement for Constitutional Monarchy;
Patriotic Union of Kurdistan;
Supreme Council of the Islamic Revolution in Iraq;

and to such other Iraqi opposition groups designated by me under the Act before or after this determination. The assistance will be allocated in accordance with plans being developed by the Department of Defense and the Department of State.

The Secretary of State is authorized and directed to report this determination to the Congress and to arrange for its publication in the **Federal Register**.

GEORGE W. BUSH

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